



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

67

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,880	10/22/2001	David Feiner	P-4412-US	7511

27130 7590 09/15/2003

EITAN, PEARL, LATZER & COHEN ZEDEK LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

EXAMINER

GHATT, DAVE A

ART UNIT PAPER NUMBER

2854

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,880

Applicant(s)

FEINER, DAVID

Examiner

Dave A Ghatt

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 11, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Frederick (US 5,384,938). With respect to claims 2, 5, and 11 as illustrated in Figure 1, Frederick teaches an apparatus for flattening a substrate 40 against a surface of a platform 38. The apparatus of Frederick includes one or more left-sided guides 22 positionable with respect to said platform 38, each having a generally flat top left protrusion 30 positioned generally parallel to the surface. Frederick also teaches one or more right-sided guides 22 positionable with respect to the platform 38, each having a generally flat, top right protrusion 30 positioned generally parallel to the surface 38. As broadly claimed, at least one of the guides is movable in a direction perpendicular to the surface so that its respective protrusion is positionable above, below or at said surface, and when the substrate 40 is on the platform 38 one of the left-sided guides and one of said right-sided guides are positionable so that their respective protrusions lie above said substrate. The applicant should note that all that is required to meet this functional requirement is for a user to move the guides in the described manner, which occurs during the securing process outlined in column 3 and 4 of Frederick.

Art Unit: 2854

With respect to claims 2, 12, and 13, any of the plurality of guides taught by Frederick is movable to vary the positions in relation to each other, which is all that is required of these claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederick (US 5,384,938) in view of Toyama (US 5,577,444). Frederick teaches an apparatus for flattening a substrate 40 against a surface of a platform 38. The apparatus of Frederick includes one or more left-sided guides 22 positionable with respect to said platform 38, each having a generally flat top left protrusion 30 positioned generally parallel to the surface. Frederick also teaches one or more right-sided guides 22 positionable with respect to the platform 38, each having a generally flat, top right protrusion 30 positioned generally parallel to the surface 38. As broadly claimed, at least one of the guides is movable in a direction perpendicular to the surface so that its respective protrusion is positionable above, below or at said surface, and when the substrate 40 is on the platform 38 one of the left-sided guides and one of said right-sided guides are positionable so that their respective protrusions lie above said substrate. Frederick teaches all the claimed apparatus except for a printhead as outlined. Toyama teaches a printhead 11 as illustrated in Figure 1. To one of ordinary skill in the art, it would have been obvious to use the printhead as taught by Toyama, to print on the cloth of

Art Unit: 2854

Frederick because as outlined in column 1 lines 12-18 of Toyama, the printhead is directed to printing of cloth substrates. Furthermore, it would have been obvious to one of ordinary skill in the art to print on a cloth in the arrangement of Frederick because of the support provided by the table.

Allowable Subject Matter

5. Claims 7-10 are allowed.
6. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 3 is indicated as allowable because the prior art of record does not teach or render obvious the total combination claimed, including a flattening device further comprising one or more z-motion units, each coupled to a respective one of said guides, able to move said guides in a direction perpendicular to said surface.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2854


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (703) 308-2417. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

DAG



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800